



## Eugene Hearings Official

Phone: 541-682-5377

[www.eugene-or.gov/hearingsofficial](http://www.eugene-or.gov/hearingsofficial)

# AGENDA

### Meeting Location:

Atrium Building – Sloat Room

99 West 10<sup>th</sup> Avenue

The Eugene Hearings Official welcomes your interest in these agenda items. Feel free to come and go as you please at any of the meetings. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours notice. To arrange for these services, contact the Planning Division at (541)682-5481.

### WEDNESDAY, June 11, 2014

(5:00 p.m.)

#### **I. PUBLIC HEARING ON CONDITIONAL USE PERMIT REQUEST**

##### **Cottage Mart (CU 14-2)**

**Assessors Map:** 17-03-32-34 **Tax Lot:** 4400

**Location:** 1659 Hilyard

**Request:** Conditional Use Permit to allow a convenience market on the ground floor of an existing dwelling

**Applicant:** Kenneth and Ruth Yi

**Applicant's Representative:** Ken Nagao, Nagao Pacific Architects PC

**Lead City Staff:** Becky Taylor, Associate Planner  
Telephone: (541) 682-5437  
E-mail: [becky.g.taylor@ci.eugene.or.us](mailto:becky.g.taylor@ci.eugene.or.us)

#### **II. PUBLIC HEARING ON ZONE CHANGE/SITE REVIEW/CONDITIONAL USE PERMIT/ADJUSTMENT REVIEW REQUESTS**

##### **The Springs at Greer Gardens (CU 14-1/Z 14-1/SR 14-1/ARA 14-1)**

**Assessors Map:** 17-03-19-12 **Tax Lot:** 201, 1101, 1203, 1300

**Location:** 1280 Goodpasture Island Road

**Request:** Zone Change (from R-1, Low-Density Residential to R-2/SR, Medium-Density Residential with Site Review Overlay), Site Review (based on the proposed overlay zone), Conditional Use Permit (for an assisted care facility in a residential zone), and Adjustment Review (to the bicycle parking location standards) for the proposed redevelopment of the Greer Gardens commercial plant nursery to a 216-unit assisted care facility, Springs Living.

**Applicant:** Harold and Nancy Greer

**Applicant's Representative:** William Randall, Arbor South Architecture

**Lead City Staff:** Becky Taylor, Associate Planner  
Telephone: (541) 682-5437  
E-mail: [becky.g.taylor@ci.eugene.or.us](mailto:becky.g.taylor@ci.eugene.or.us)

**Public Hearing Format:**

1. Staff introduction/presentation
2. Public testimony from applicant and others in support of application.
3. Comments or questions from interested persons who neither are proponents nor opponents of the proposal.
4. Public testimony from those in opposition to application.
5. Staff response to testimony.
6. Questions from Hearings Official.
7. Rebuttal testimony from applicant.
8. Closing of public hearing.

The Hearings Official will not make a decision at this hearing. The Eugene Code requires that a written decision must be made within 15 days of close of the public comment period. To be notified of the Hearings Official's decision, fill out a request form at the public hearing or contact the lead City staff as noted above. The decision will also be posted at [www.eugene-or.us/hearingsofficial](http://www.eugene-or.us/hearingsofficial).



## CONDITIONAL USE PERMIT STAFF REPORT

**Application File Name (Number):**

Cottage Mart (CU 14-2)

**Applicant's Request:**

Conditional Use Permit (CUP) approval for a neighborhood commercial convenience market within the ground floor of an existing dwelling

**Applicant /Owner:**

Kenneth and Ruth Yi

**Applicant's Representative(s):**

Ken Nagao, Nagao Pacific (541) 687-9600

**Lead City Staff:**

Becky Taylor, Associate Planner, Phone: (541) 682-5437

**Subject Property/Location/Size:**

Tax Lot 4400 – Assessor's Map 17-03-32-34 / Located at the southeast corner of East 16<sup>th</sup> Alley and Hilyard Street/ Approximately 4,020 square feet (0.09 acre) in area

**Existing Zoning:**

R-4 High-Density Residential

**Relevant Dates:**

Application submitted March 19, 2014; deemed complete April 10, 2014; public hearing date scheduled for June 11, 2014.

---

**Purpose of Staff Report:**

The Eugene Code (EC) requires City staff to prepare a written report concerning the subject land use application. In accordance with the Type III land use application procedures (see EC 9.7320) the staff report is printed and made available seven days prior to the public hearing, to allow citizens an opportunity to learn more about the request and to review the staff analysis of the application. The staff report provides only preliminary information and recommendations. The Hearings Official will also consider additional public testimony and other materials presented at the public hearing before making a decision on the application. The Hearings Official's written decision on the application is generally made within 15 days following close of the public record, following the public hearing (see EC 9.7330). For reference, the quasi-judicial hearing procedures applicable to this request are described at EC 9.7065 through EC 9.7095.

---

**Background and Present Request:**

The subject property is a 4,020 square foot parcel located at the southeast corner of East 16<sup>th</sup> Alley and Hilyard Street. The property is zoned R-4 High-Density Residential and is developed with two single-family dwellings. The larger of the two homes, which is addressed as 1659 Hilyard Street, contains three bedrooms, two stories, and 1,454 square feet. The applicant proposes no changes to this home. The second home, which is addressed as 1661 Hilyard Street, contains two bedrooms, two stories, and is 668 square feet.

The applicant proposes to convert the ground floor of this second dwelling to a convenience market, with the intent of establishing an owner-operated business. Ideally, the applicant would retain the second floor as a dwelling for a live/work unit; however, the owner subsequently learned of some building code requirements that could make this vision cost-prohibitive. As a back-up plan, the second floor would be used as storage or office space exclusively for the market. The applicant indicates that the operating hours of the market will be from 7:00 a.m. to 11:00 p.m.

EC Table 9.2740 Residential Zone Land Uses and Permit Requirements allows C-1 Neighborhood Commercial uses in the R-4 zone subject to Conditional Use Permit approval, which is the subject application being considered, and compliance with the special use limitation at EC 9.2741(8), which is addressed in the following CUP evaluation under approval criterion EC 9.8090(8).

**Application Referrals and Public Hearing Notice:**

The application materials show compliance with the pre-application neighborhood/applicant meeting requirements of EC 9.7007. As reflected in the meeting minutes submitted by the applicant, the application was presented at the West University Neighbors general meeting on March 6, 2014. The minutes, and a follow-up email from Deborah Healy on behalf of the West University Neighbors, confirm support for the applicant's request, noting a desire for more commercial uses in the neighborhood and that students would be able to walk and bike to the market. Additional lighting for security was also recommended.

On May 12, 2014, the Planning Division mailed and posted written notice of the public hearing on the CUP application, in accordance with the applicable code requirements. As of the date of this report, only one public comment has been received, from Frances Anderson, owner of property to the northeast, opposed to the proposed market with concerns about additional noise, parking, and litter. Any written testimony received after the date of this report but prior to the public hearing will also be forwarded to the Hearings Official for consideration in making a decision. Public testimony, written or otherwise, may also be presented at the public hearing on this matter.

The Planning Division also referred the application materials to other affected agencies. Relevant referral comments received are incorporated into the following evaluation, in the context of the applicable criteria and related standards.

**Evaluation:**

In accordance with EC 9.7330, the Hearings Official is required to approve, approve with conditions, or deny a Type III land use application. The decision must be based on, and be accompanied by, findings that explain the criteria and standards considered relevant to the decision. It must also state

the facts relied upon in rendering the decision, and explain the justification for the decision based upon the criteria, standards, and facts set forth.

To assist the Hearings Official in rendering a decision on the application, staff presents the following conditional use permit approval criteria (shown below in **bold** typeface), with findings related to each, based on the evidence available as of the date of this staff report. Staff has also provided a recommendation to the Hearings Official following the staff evaluation, below.

**EC 9.8090(1): The proposal is consistent with applicable provisions of the Metro Plan and applicable refinement plans.**

With regard to provisions of the Metro Plan, the current R-4 High-Density Residential zoning of the subject property is consistent with the Metro Plan designation of High-Density Residential for the site. The R-4 zone establishes a residential density range between 20 (minimum) and 112 (maximum) units per acre. However, in this case the minimum residential density requirements do not apply to the subject property which is already developed and less than 13,500 square feet in size, in accordance with at EC 9.2751(1)(a).

There are currently two dwellings on the subject property. The applicant proposes to convert the smaller dwelling into a convenience market on the first floor, with the second floor being either retained as a dwelling or converted to office or storage space for the market. The initial vision was for a live/work dwelling unit on the second story, but building code regulations may make it cost prohibitive to use the second story as a dwelling. This CUP assumes either scenario, with construction and occupancy details to be determined during the building permit process.

With regard to the proposed neighborhood commercial use within one of the existing dwellings, the Metro Plan confirms that neighborhood commercial facilities are not shown on the Metro Plan Diagram. The Metro Plan states that neighborhood commercial facilities are oriented to the day-to-day needs of the neighborhood served and characterized by convenience goods, such as small grocery. The Metro Plan establishes minimum location standards and site criteria, which apply to properties of any land use designation requesting a zone change to neighborhood commercial (C-1). In this case, the applicant is not seeking to rezone the subject property, but rather to secure a C-1 use in the existing R-4 zone through a Conditional Use Permit (CUP).

The CUP process serves as a local control intended to address the compatibility of the market with the surrounding residential area. It is also noted that EC Table 9.2740 Residential Zone Land Uses and Permit Requirements allows C-1 Neighborhood Commercial uses in the R-4 zone subject to CUP approval and compliance with the special use limitation at EC 9.2741(8), which is addressed below at EC 9.8090(8).

With regard to specific Metro Plan policies, staff concludes that none appear to be mandatory approval criteria for the subject request. Potentially relevant policies are evaluated below.

A.13 Residential Density. Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use

while considering impacts of increased residential density on historic, existing and future neighborhoods.

As noted above, minimum residential density requirements are inapplicable in this instance according to EC 9.2751(1)(a). Even so, staff notes that the subject property meets the allowable density range under existing and proposed conditions. The proposed conversion of an existing dwelling would also create a mixed use opportunity consistent with this policy. The CUP is the City's prescribed process to consider and mitigate potential impacts on the surrounding area. Here, the overall residential character of the property will be retained, as the applicant proposes to keep the larger dwelling in residential use.

It is noted that the larger dwelling, which was built in 1928, has no official historic designation status, but is included in the City's cultural resources inventory for its Norman Farmhouse architectural style. Again, the applicant proposes no major alterations to this dwelling, other than adding a paved walkway to the doorway. The City's inventory also documents the addition of a garage, which appears to have been converted into the smaller dwelling that is now the subject of this request.

A.22 Design and Mixed Use. Expand opportunities for a mix of uses in newly developing areas and existing neighborhoods through local zoning and development regulations.

The applicant's request for CUP approval for a neighborhood commercial use in a residential zone is making use of the opportunities provided in the City's zoning and development regulations to provide a mixed use development in an existing neighborhood.

A.23 Design and Mixed Use. Reduce impacts of higher density residential and mixed-use development on surrounding uses by considering site, landscape, architectural design standards or guidelines in local zoning and development regulations.

The applicant proposes a mix of residential and commercial uses on the subject property within existing dwellings on the subject property. The exterior changes to the site are minimal. The most outward appearance change will be the additional of landscaping abutting the street, which will provide screening of an existing vehicle parking area.

B.22 Economic Element. Review local ordinances and revise them to promote greater flexibility for promoting appropriate commercial development in residential neighborhoods.

The CUP process provides for both the flexibility of allowing a neighborhood commercial use in a residential zone and the determination of whether the characteristics of the use can be made reasonably compatible with the surrounding neighborhood.

B.28 Economic Element. Recognize the vital role of neighborhood commercial facilities in providing services and goods to a particular neighborhood.

The proposed neighborhood commercial facility is a convenience market to serve the neighborhood. The design makes it particularly accessible to the immediate neighborhood, as the market is

proposed within the smaller of two dwelling on the subject property, which is also set back farther from the street, as opposed to being the predominant use on the site.

Based on the above findings, the proposal complies with the relevant Metro Plan policies, none of which appear to be directly applicable as approval criteria.

With regard to applicable refinement plans, the West University Refinement Plan (WURP) applies to the subject property. The introduction of the “land use, housing, and commerce,” element of the WURP notes that the West University Neighborhood is unique in the City because of the large percentage of commercially zoned land. It notes that the neighborhood is located between the central business district of Eugene and the University of Oregon, with about half of the plan area zoned for commercial uses and the other half for residential uses. The housing stock consists of older single-family dwellings mixed in with a variety of apartment structures, duplexes, group homes, and apartments above commercial establishments. The plan acknowledges that commercial uses in the plan area are important to the neighborhood.

The WURP designates the subject property for high density housing. The existing R-4 zoning of the property complies with this designation. Most of the policies are directed toward the City as guidance for future code amendments; and many of the policies have been implemented or otherwise addressed by codified standards. For example:

Policy 3. Land Use Housing and Commerce. The City of Eugene will update its Land Use Code and that effort shall particularly take into account the need to: reduce non-residential uses permitted in the R-3 and R-4 zone....review parking requirements for residential development with the purpose of reducing the required number of spaces per unit in the plan area.

The WURP is dated 1982. The requested commercial use is not permitted outright in the R-4 zone, but, rather, is subject to CUP approval. Staff notes that the above policy was also amended in 2009 to increase the vehicle parking requirement for residential development in the neighborhood. The applicant is providing vehicle parking sufficient to meet this latest ordinance.

On the other hand, the following policy is specific to the non-residential use allowance through the CUP process:

Policy 15. Land Use Housing and Commerce. The City will prevent non-residential uses, permitted in residential zones south of 13<sup>th</sup> Avenue as a result of the conditional use permit process, from being so concentrated or numerous that the area loses its attractiveness as a residential area.

The proposal is for a non-residential use in a residential zone south of 13<sup>th</sup> Avenue, but the immediate vicinity does not appear to be concentrated with commercial uses; moreover, the requested market would not detract from the attractiveness of the residential area. The site will maintain its overall residential character, both in use and appearance, as the larger dwelling will remain in residential use. The market would be contained on the ground floor of an existing, smaller dwelling on the subject property, which appears to be the result of a former garage conversion.

The applicant's plans show how the market can be integrated into the existing dwelling with modest exterior changes that consist of replacing some of the wooden features of the structure facing the street with glass and mounting a small sign and shielded light above the doorway. The proposed landscaping along the street frontage would also improve the attractiveness of the subject property, as it would screen the existing parking area.

Further direction on the application of the above policy appears to be as follows:

Proposal 4. Land Use Housing and Commerce. The following uses should not be allowed as conditional or outright uses in the R-4 zoning district: hotels, motels, motor hotels, tourist courts, conference centers, and public garages. The following uses should be allowed only as conditional uses in the R-4 zoning districts: clinics, private parking areas, and churches.

It appears that the concern regarding commercial uses pertains to intensities well above the proposed use. Based on the above findings, the proposal appears to be consistent with the plan.

As for other potentially relevant policies, Land Use Housing and Commerce Policies 7 and 8 call for efforts to be made to save existing structures in the plan area. The proposal saves both dwellings on the subject property. As discussed previously, alterations to the smaller dwelling to accommodate the market will be minimal. The primary dwelling has no official historic designation status, but it is included in the City's inventory of cultural resources; it will remain intact and in residential use.

Additionally, Land Use Housing and Commerce Policy 13 encourages housing that is wheel-chair accessible; the applicant is proposing to restripe the existing paved parking area to meet ADA requirements and to install a ramp between this space and the building entrance.

Based on the above findings, the request complies with the applicable refinement plan, as well as the Metro Plan. The above criterion is met.

**EC 9.8090(2): The location, size, design, and operating characteristics of the proposal are reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property, as they relate to the following factors:**

- (a) The proposed building(s) mass and scale are physically suitable for the type and density of use being proposed.**
- (b) The proposed structures, parking lots, outdoor use areas or other site improvements which could cause substantial off-site impacts such as noise, glare and odors are oriented away from nearby residential uses and/or are adequately mitigated through other design techniques, such as screening and increased setbacks.**
- (c) If the proposal involves a residential use, the project is designed, sited and/or adequately buffered to minimize off-site impacts which could adversely affect the future residents of the subject property.**

The subject property abuts Hilyard Street, a high-volume (Minor Arterial) street that includes transit services, to the west, an improved alley to the north, an apartment complex to the east, and a duplex to the south. The location, size, design, and operating characteristics of the proposal are reasonably compatible with the surrounding properties, as discussed below. Further, the livability of the



neighborhood could be enhanced with the introduction of a convenience market within walking distance of the surrounding high-density residential area.

With regard to subsection (a) above, although no new buildings are proposed, converting the smaller of two homes on the subject property into a market is particularly suitable for a neighborhood commercial use in an existing residential neighborhood. The smaller dwelling, which appears to be a former garage, is set back farther from the street than the larger dwelling. The applicant proposes to keep the larger dwelling in residential use, which means that the primary use on the property will remain residential. The market/dwelling is also closer to the alley, which is actively used by various modes of transportation, indicating that any increased activity associated with the market would be relatively minimal. The alley also provides separation from the existing dwelling on the opposite side of the alley, to the north.

With regard to subsection (b) above, no new structures or parking lots are proposed. Instead, the applicant proposes site improvements, namely the landscape buffer along the street to screen the existing parking area, which would reduce off-site impacts. The applicant also proposes to install a shielded light above the market doorway, which would improve security and safety of the area without producing excessive glare.

With regard to subsection (c) above, no new dwellings are proposed, but the existing residential use (i.e. the larger dwelling on the property) will remain. The parking, landscaping, and pedestrian walkway improvements discussed previously should improve the existing on-site conditions that would affect future residents of the subject property. For example, the existing parking area lacks striping and wheel stops to delineate vehicle use areas. The proposed pedestrian walkway from the public sidewalk along the street to both building entrances will further separate the current mix of vehicle and pedestrian use areas in front of the dwellings.

Based on the above findings, this criterion is met.

**EC 9.8090(3): The location, design, and related features of the proposal provides a convenient and functional living, working, shopping or civic environment, and is as attractive as the nature of the use and its location and setting warrant.**

The location of the market on the subject property is within the smaller dwelling on the subject property, adjacent to an alley, rather than directly abutting another residence. The design keeps the residential character of the property by involving slight exterior changes to the dwelling, such as adding glass to the façade, an accessible ramp, a shielded light for the entryway, and a modest sign on the face of the structure. The site improvements described previously, with the new landscape screening and pedestrian walkway will provide a more convenient, functional, and attractive setting than under existing conditions. Based on these findings, the above criterion is met.

**EC 9.8090(4): The proposal demonstrates adequate and safe circulation exists for the following:**

**(a) Vehicular access to and from the proposed site, and on-site circulation and emergency response.**

- (b) Pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the City makes findings to demonstrate consistency with constitutional requirements. “Nearby” means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.**

The property is located at the southeast corner of Hilyard Street and East 16<sup>th</sup> Alley; both of the abutting street and alley are improved to City standards. Hilyard Street has a 33-foot wide concrete surface that includes striped bike lane, a setback sidewalk and street trees abutting the subject property. The alley along the north property line has a 14 foot wide concrete surface for the entire block between Hilyard Street and Alder Street. The applicant’s proposal demonstrates adequate and safe circulation as discussed below.

With regard to subsection (4)(a) above, vehicular access to and from the site is provided by the adjacent alley, under existing and proposed conditions. The front yard is primarily paved for vehicle use. The applicant’s plans would add striping and wheel stops to more precisely define the parking spaces. Further, the applicant is proposing an accessible parking space closest to the building entrance and a pedestrian walkway from the sidewalk abutting the street to both structures on the property. As such, on-site circulation will be improved. Referral comments from the fire marshal indicate no concern with emergency response.

With regard to subsection (4)(b) of the above criterion, the applicant proposes to install one long-term (within an enclosure) and two short-term (hoop rack) bicycle parking spaces. There are currently no official bicycle parking spaces on the subject property. EC 9.6105 Bicycle Parking Standards indicates that building alterations are exempt from bicycle parking standards. Even if the standards applied, no bicycle parking is required for single-family or secondary dwellings; in other words, none would be required for the dwellings under existing or proposed conditions. As for the market, convenience stores are required to provide one space per each 3,000 square feet of floor area. The floor area is significantly less than 3,000; as such, no spaces are required. The applicant’s proposal to provide bicycle facilities demonstrates compliance with the above criterion by addressing a need among buildings and related uses on the development site, as well as establishing the market as a neighborhood activity. Transit service is provided along Hilyard Street, which is a designated bus route.

Based on the above findings, this criterion is met.

**EC 9.8090(5): The proposal is designed and sited to minimize impacts to the natural environment by addressing the following...**

The subject property is not included as part of the City’s acknowledged Goal 5 inventory. The area of request involves an existing dwelling and an existing paved area on the subject property. There are no natural features on the balance of the property that would be impacted by the subject request. The applicant proposes to install landscaping along the street and to avoid impacts to the abutting street trees. This criterion is met.

**EC 9.8090(6): The proposal provides adequate public facilities and services including, but not limited to utilities, streets, and other infrastructure.**

All public facilities and services are in place. No new public improvements or changes to services are proposed or required. This criterion is met.

**EC 9.8090(7): The proposal does not create any significant risk to public health and safety, including but not limited to soil erosion and flood hazard, or an impediment to emergency response.**

With regard to risk of flood, the subject property is not located within a special flood hazard area. The applicant's proposal would reduce the amount of impervious surface area on the subject property by adding a landscape strip between the street and the existing parking area. This proposed improvement not only minimizes stormwater runoff impacts, it minimizes potential public safety issues by providing a buffer between pedestrians and vehicles. Referral comments from the fire marshal indicate no concerns. Given the available information, this criterion is met.

**EC 9.8090(8): The proposal complies with all applicable standards, including but not limited to:**

- (a) EC 9.2000 through 9.3915 regarding lot dimensions, solar standards, and density requirements for the subject zone;**

The lot dimension standards do not apply because no new lots are being created. The solar standards do not apply because no new buildings are proposed. The density requirements are met, to the extent they apply, as discussed previously at EC 9.8090(1), which is incorporated by reference. These standards are met.

- (b) EC 9.6500 through EC 9.6505 Public Improvement Standards**

The dwellings are currently being served by the full range of urban services, such as water, electric, and wastewater. The proposed changes to the site are minimal and do not require additional public improvements. The abutting rights-of-way are fully improved to City standards. Referral comments from service providers indicate no concern with the applicant's proposal. These standards are met.

- (c) EC 9.6735 Public Access Required**

The site has public street frontage on Hilyard Street, which is classified as a minor arterial street. Vehicle access is provided exclusively from the abutting alley. This composition fulfills these standards by minimizing access connections on streets designed to carry higher traffic volumes, such as Hilyard Street.

- (d) EC 9.6791 through EC 9.6797 Stormwater Management**

These standards do not apply as the site is reducing the overall amount of impervious surface area.

**(e) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways**

As discussed previously, the abutting street and alley are improved to City standards; as such, no additional right-of-way is required. Adjacent lands to the south and east are developed with a duplex and an apartment building, respectively; no additional street extensions are necessary. The remaining street standards at EC 9.6800 through EC 9.6875 do not apply because no new streets are proposed or required as part of the subject request.

**(f) Where the proposal is to establish non-residential uses subject to residential density requirements on development sites in the residential zone category, it shall achieve the minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards, unless specifically exempted elsewhere in the code or granted a modification through an approved conditional use permit.**

As previously described, and in accordance with at EC 9.2751(1)(a), the minimum residential density requirements of the R-4 zone do not apply to the subject property which is already developed and less than 13,500 square feet in size.

**An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard. Additional criteria may also be required based on the applicability of other sections of this land use code.**

The applicant requests no adjustments. With regard to other applicable standards, the development is also subject to the following: the special use limitations at EC 9.2741(8), regarding neighborhood commercial uses in residential zones; the vehicle parking standards at EC 9.6410; and the landscaping standards at EC 9.6205. Compliance with these standards is determined below.

EC Table 9.2740 Residential Zone Land Uses and Permit Requirements allows C-1 Neighborhood Commercial uses in the R-4 zone subject to CUP approval, which is the subject application being considered, and compliance with the special use limitation at EC 9.2741(8), which is examined below.

- a) Neighborhood Commercial uses being approved through the conditional use permit process shall be located on an arterial street.

Consistent with this standard, the property is located on Hilyard Street, which is classified as a Minor Arterial street.

- b) In R-2, EC 9.2161(1) Small Business Incentives in C-1 shall not apply. Instead, each individual business shall be limited to a total of 2,500 square feet of floor area.

This standard does not apply to the subject property's R-4 zone, although the proposed market would occupy only 320 square feet.

- c) Buildings within the maximum front yard setback shall be oriented toward the street.

This standard does not directly apply to the subject request, as no new buildings are proposed. The existing building is setback about 28 feet from, but is still oriented toward, Hilyard Street.

- d) Maximum front yard setback shall be no greater than the predominant front yard original setback line in the immediate vicinity.

This standard does not directly apply because no new buildings are proposed. The two dwellings on the subject property are located uniformly along Hilyard Street with other properties to the north and south.

- e) No off-street parking shall be located between the front façade of any building and the primary adjacent street. This standard applies to new buildings and to completely rebuilt projects constructed after August 1, 2001.

The area between the subject dwelling and Hilyard Street is currently paved for vehicle parking. The applicant proposes to keep this parking area. Since there are no new or rebuilt buildings involved in this request, this standard does not apply.

- f) In new development, 60% of the site frontage abutting a street shall be occupied by a building within the maximum setback or by an enhanced pedestrian space.

This standard does not apply because the subject request involves remodeling and changing the use of existing development. Further, the R-4 zone establishes a minimum setback of 10 feet, but no maximum setback in this case. For comparative purposes, the multiple-family development standards (which only apply to new developments creating three or more dwelling units, thus not to this property with two dwellings) require buildings to be within 10 feet of the street on properties with 100 feet or more of street frontage.

The subject property only has 60 feet of frontage abutting Hilyard Street. The dwelling is currently set back about 30 feet from the street, whereas the other, larger dwelling on the subject property is within 18 feet from the street. The pedestrian space between the street and the building, however, will be enhanced, as the applicant proposes to remove a fence and install a new concrete walkway from the sidewalk within Hilyard Street to the entrances of both dwellings on the subject property.

- g) Building Entrances: 1. all building sides that face an adjacent public street shall feature at least one customer entrance; 2. building sides facing two public streets may feature one entrance at the corner; 3. each commercial tenant of the building, unless an accessory to the primary tenant, shall be accessed through individual storefront entrances facing the street.

The applicant's plans show how the front of the house would be converted to storefront, with the customer entrance facing Hilyard Street, consistent with this standard.

- h) Ground floor walls shall contain display windows across a minimum of 50 percent of the length of the street-facing wall of the building. Windows meeting the criteria of display windows shall have sills at 30 inches or less above grade.

The wall of the affected building facing Hilyard Street is only 16 feet long. Fifty percent of this length is eight feet. The applicant's plans (see West Elevation detail on sheet L1), show an existing door and window along the street-facing building wall. The applicant proposes to replace the door with a glass storefront (see Lower Floor Plan detail and Note 1 on sheet A1.1). The door does not count toward the above standard, which is specific to windows. The existing window is six feet wide with a sill that is more than 34 inches above grade.

Subsequent conversations with the applicant confirm that the existing window could easily be widened from six feet to eight feet and that the window sill could be modified to be within 30 inches of grade (see email between staff and the applicant, dated May 21, 2014). This standard will be implemented during the building permit process, however, the final site plans need to be updated to reflect this revision. The following condition of approval is therefore necessary:

- The final site plans shall show compliance with EC 9.2741(8)(h), as follows: Ground floor walls shall contain display windows across a minimum of 50 percent of the length of the street-facing wall of the building. Windows meeting the criteria of display windows shall have sills at 30 inches or less above grade

Based on the above findings and condition, the proposal will comply with the special use limitations for commercial uses in a residential zone at EC 9.2741(8).

EC Table 9.6510 Required Off-Street Motor Vehicle Parking establishes parking space requirements for the proposed market and dwelling(s). Convenience markets are required to provide 1 parking space per 330 square feet of floor area. The proposed market would only have 320 square feet of floor area; therefore, no vehicle parking is required. With regard to the dwelling(s) on the subject property, one vehicle space per dwelling unit is required. It is noted that multiple-family dwellings on R-4 zoned properties within the West University Neighborhood are required to have one vehicle parking space for two-bedroom dwellings and 1.5 parking spaces (rounded up to 2) for three-bedroom dwellings; although this standard technically does not apply because multiple-family dwellings are defined as being three or more dwelling units on a property, there will be enough parking spaces to meet the above parking standards.

There are currently two dwellings on the property with existing paved and gravel parking areas between the buildings and the street. The smaller dwelling has two bedrooms, which the applicant proposes to convert to a market on the ground floor and potentially keep a dwelling unit on the second floor; the floor plans show two rooms on the second floor. The area between this dwelling, the adjacent alley, and Hilyard Street is entirely paved. The required parking for this dwelling is for just one space.

While it is uncertain whether the applicant will be able to keep a residence on the second floor, the applicant is proposing to keep two vehicle parking spaces in front of the dwelling. The existing paved parking area will be striped to more precisely define the spaces in accordance with the City's dimensional requirements, including an accessible space closest to the building entrance. It is also noted that the applicant proposes to construct a ramp between this accessible space and the main entrance.

The larger dwelling on the subject property has three bedrooms. The code requirements noted above require just one vehicle parking space for this dwelling; if the WUN ratio had applied, two spaces would be required. The applicant proposes to stripe the existing pavement in front of the dwelling to provide two tandem parking spaces.

In addition to meeting or exceeding the vehicle parking space requirements, the applicant also proposes to make landscape improvements, to provide a continuous landscaped buffer along the west property boundary, between the parking areas and the street, which will be pierced only by a pedestrian path to be constructed between the public sidewalk and the entrances to both structures. The applicant's landscape plan (sheet L-1) demonstrates compliance with EC 9.6205 Landscape Standards.

All other development standards appear to have been met or will be required to be met at the time of development permit application. Based on the above findings, conditions, and future permit requirements, the applicable development standards will be met.

**EC 9.8090(9): The proposal complies with the Traffic Impact Analysis Review provisions of EC 9.8650 through 9.8680 where applicable.**

Staff confirms that a TIA is not required by EC 9.8670(1) because the development will generate fewer than 100 peak trips and there is no documented safety or operational issue in the vicinity.

#### **Staff Recommendation**

Based on the available evidence, and consistent with the preceding findings, staff recommends the Hearings Official approve the requested CUP with the following condition of approval:

- The final site plans shall show compliance with EC 9.2741(8)(h), as follows: Ground floor walls shall contain display windows across a minimum of 50 percent of the length of the street-facing wall of the building. Windows meeting the criteria of display windows shall have sills at 30 inches or less above grade

Consistent with EC 9.7330, unless the applicant agrees to a longer time period, within 15 days following close of the public record, the Eugene Hearings Official shall approve, approve with conditions, or deny this Type III application. The decision shall be based upon and be accompanied by findings that explain the criteria and standards considered relevant to the decision, stating the facts relied upon in rendering a decision and explaining the justification for the decision based upon the criteria, standards, and facts set forth. Notice of the written decision will be mailed in accordance with EC 9.7335. Within 12 days of the date the decision is mailed, it may be appealed to the Eugene Planning Commission as set forth in EC 9.7650 through EC 9.7685.

#### **Attachments**

A vicinity map is attached. The applicant's full-size site plans, and the entire application file, are available for review at the Eugene Planning Division offices. The Hearings Official will receive a full set of application materials for review prior to the public hearing. These materials will also be made available for review at the public hearing.

**For More Information**

Please contact Becky Taylor, Associate Planner, City of Eugene Planning Division, at: (541) 682-5437;  
or by e-mail, at: [becky.g.taylor@ci.eugene.or.us](mailto:becky.g.taylor@ci.eugene.or.us)



# Vicinity Map



0 20 40 80 Ft

Caution:  
This map is based on imprecise  
source data, subject to change,  
and for general reference only.

May 22, 2014







---

## **ZONE CHANGE, SITE REVIEW, CONDITIONAL USE PERMIT, AND ADJUSTMENT REVIEW STAFF REPORT**

### **Application File Name (Number):**

The Springs at Greer Gardens (Z 14-1), (SR 14-1), (CU 14-1), and (ARA 14-1)

### **Applicant's Request**

Zone Change, Site Review, Conditional Use Permit, and Adjustment Review approval for a 216-unit assisted care facility

### **Owner / Applicant:**

Harold Greer / Fee Stubblefield, Springs Living Managing Member

### **Applicant's Representative**

William Randall, Arbor South Architecture, PC (541) 344-3332

### **Lead City Staff:**

Becky Taylor, Associate Planner, Eugene Planning Division, (541) 682-5437

### **Subject Property/Location/Size:**

Tax Lots 201, 1101, 1203, and 1300 of Assessor's Map 17-03-19-12; located on the south side of Goodpasture Island Road at the north termini of Chasa Street and Bradley Drive and at the west terminus of Larkspur Drive; approximately 13.42 acres

### **Existing Zoning**

R-1 Low-Density Residential

### **Relevant Dates:**

Application submitted on January 7, 2014; supplemental information submitted on May 8, 2014; application forced complete at the applicant's request on May 8, 2014; public hearing scheduled for June 11, 2014.

---

### **Purpose of Staff Report**

The Eugene Code (EC) requires City staff to prepare a written report concerning the subject land use applications. In accordance with the Type III land use application procedures (see EC 9.7320) the staff report is printed and made available seven days prior to the public hearing, to allow citizens an opportunity to learn more about the request and to review the staff analysis of the applications. The staff report provides only preliminary information and recommendations.

The Hearings Official will also consider additional public testimony and other materials presented at the public hearing before making a decision on the applications. The Hearings Official's written decision on the applications is generally made within 15 days following close of the public record, following the public hearing (see EC 9.7330). For reference, the applicable quasi-judicial hearing procedures are described at EC 9.7065 through EC 9.7095.

### **Background/Present Request**

The subject property is 13.42 acres located on the south side of Goodpasture Island Road, abutting City parkland to the west, and single-family dwellings to the south and east. The property is currently a commercial nursery known as Greer Gardens. The applicant proposes to redevelop the property as an assisted care facility. The applicant requests concurrent approvals of the following land use applications:

- Zone Change (Z 14-1) from R-1 Low-Density Residential to R-2/SR Medium-Density Residential with Site Review Overlay, consistent with the plan designations and policies of the Metro Plan and Willakenzie Area Plan (WAP) (see evaluation below at EC 9.8865)
- Site Review (SR 14-1) to implement the requested overlay zoning and to fulfill policies from the WAP (see evaluation below at EC 9.8440)
- Conditional Use Permit (CU 14-1) for an assisted care facility in a residential zone (see evaluation below at EC 9.8090)
- Adjustment Review (ARA 14-1) to the bicycle parking location standards (see evaluation below at EC 9.8030)

Chasa Street, Bradley Drive, and Larkspur Drive terminate at the subject property from the residential neighborhoods to the south and east; those streets will not be extended through the site, based on the Willakenzie Area Plan (WAP) plan policy that requires access from Goodpasture Island Road. Based on the focused access point, the applicant proposes a traffic signal at the site's entrance to Goodpasture Island Road, although the anticipated traffic generated by the development does not require a Traffic Impact Analysis.

In accordance with EC 9.7055, to accommodate concurrent review of the applications, the Type III land use application procedures from EC 9.7300 through EC 9.7340 are applicable to the current request. The Zone Change, Site Review, Conditional Use Permit, and Adjustment Review approval criteria are listed at EC 9.8865, EC 9.8440, EC 9.8090, and EC 9.8030(9), respectively. It is also noted that the definition of an assisted care facility, with clarification on how residential density is calculated, is provided within the Site Review evaluation below at EC 9.8440(5).

The applicant's written statement and plans are incorporated herein by reference regarding the description provided for the present land use request. For additional details, please refer to the following staff evaluation of the proposal, in the context of the applicable approval criteria and

related development standards.

### **Public Notice/Referrals**

A neighborhood/applicant meeting was held on October 24, 2013, in accordance with Eugene Code (EC) 9.7007. The applicant's neighborhood meeting documentation, included in the application file, indicates that neighbors had many questions. Concerns that seem apparent from the meeting notes include traffic safety at Goodpasture Island Road and activity volumes at the site. Included in the applicant's application materials is an email submitted by a neighbor, Stan Collins, to the applicant immediately following the meeting, addressing specific concerns about the proposed driveway running along the northern and eastern sections of the site.

Upon receipt of the application, another neighbor called staff to verify that the roadway was set back 40 feet from the east property line; the neighbor indicated that this setback was agreed upon between the neighbors and the applicant. Staff consulted the applicant and the site plans to confirm for the neighbor that the driveway was set back at least 40 feet, with intervening landscape screening. Also upon receipt of the application, the affected neighborhood group (Cal Young Neighborhood Association) was provided information about the subject request.

Public notice of these applications and the public hearing was provided on May 12, 2014, in accordance with Eugene Code (EC) requirements. In response to the public notice, staff received inquiries about the request, but has not received any written testimony as of the date of this report. The conversations were as follows:

- A neighbor to the southeast requested removal of large trees that shaded out and dropped limbs and needles onto her property. Staff confirmed that the trees along the southeast boundary were proposed for removal and explained the various species of replacement trees proposed to determine any preferences. The neighbor didn't have particular species in mind, but requested ones that were lower maintenance. Staff relayed this request to the applicant, for deciduous, columnar trees.
- A neighbor to the southwest asked about the flipping the parking lot and the building closest to the south boundary to minimize traffic noise and debris and to provide landscape screening. Staff explained how the parking lot was set back 15 feet with landscaping and it that would have less vehicle activity than elsewhere on the property, since the site access is only from Goodpasture Island Road, to the north. Staff also noted that the parking lot was not designated as a service area for larger vehicles. Staff shared the experience that neighbors would typically prefer a parking lot as a buffer to minimize the looming effect of a building. Staff advised the neighbor to submit written testimony with any requested design changes.
- A neighbor to the south asked about on-site drainage and if there were any waterways that would be filled. Staff notes that in the event that any jurisdictional wetlands may be located there or filled to accommodate the development, the applicant may be required to prepare a wetland delineation and obtain a joint wetland fill permit from the

Oregon Division of State Lands and Army Corps of Engineers. There are no locally protected wetlands or riparian areas on the site based on the City's adopted Goal 5 inventory.

- A neighbor abutting Goodpasture Island Road asked if the road would be widened or otherwise affects her property. Staff confirmed that a new signal would be installed at the driveway, but that those improvements would fit within the existing geometry of the roadway and that the traffic volumes did not warrant widening the pavement for any turn lanes or other improvements.

These issues are further addressed in the follow staff evaluation. The Planning Division also referred the application materials to other affected agencies. Relevant referral comments are incorporated into the following evaluation, in the context of the applicable approval criteria and standards.

### **Zone Change Evaluation**

In accordance with EC 9.7330 and EC 9.8865, the Hearings Official is required to approve, approve with conditions, or deny this Type III land use application for a Zone Change. The decision must be based on, and be accompanied by, findings that explain the criteria and standards considered relevant to the decision. It must also state the facts relied upon in rendering the decision, and explain the justification for the decision based upon the criteria, standards, and facts set forth.

To assist the Hearings Official in rendering a decision on the application, staff presents the following zone change approval criteria (shown below in **bold** typeface), with findings related to each, based on the evidence available as of the date of this staff report. Staff has also provided a recommendation to the Hearings Official following the staff evaluation, below.

#### **EC 9.8865(1):**

**The proposed zone change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.**

The Metro Plan designates the subject property as Medium-Density Residential. The requested zone change to R-2, Medium-Density Residential will bring the property into compliance with the plan designation. The applicant addressed Metro Plan Policies A9, A10, A11, A13, A16 and A17, which are summarized below.

- Policy A9 requires medium density areas to have a density of 10-20 dwelling units per acre. The proposed 216 dwelling units on the 13.32 acres of land translate to 16 units per acre.
- Policies A10 and A11 require urban services, which are provided as outlined in the findings for EC 9.8865(3).

- Policy A13 encourages an increase in residential density, which the proposed zone change and development will accomplish for the area.
- Policies A16 and A17 allow for an overlap of density ranges to promote housing choice, which the proposal does.

Staff notes that the policies relevant to the Zone Change are relatively limited, but that additional policies are addressed below in the Site Review and Conditional Use Permit analysis related to the proposed development plan. Based on these findings, staff finds that the proposed zone change is consistent with applicable provisions of the Metro Plan.

**EC 9.8865(2):**

**The proposed change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.**

The applicable adopted refinement plan for the area of the proposed zone change is the Willakenzie Area Plan (WAP). The WAP designates the subject property for medium density residential uses, consistent with the applicant's requested R-2 zoning. Several policies apply to the proposed development, rather than the zone change; however, the following provides support for the applicant's proposal to apply the Site Review (/SR) overlay to the zoning.

*General Policies and Proposed Actions for the Willakenzie Area (page 15, WAP)*

6. *Minimize land use conflicts by promoting compatibility between low-density and higher-density residential land uses as well as between residential and nonresidential land uses.*
  - 6.1 *Encourage nonresidential land uses to provide landscaping with particular emphasis on parking-lot screening and provision of buffering between residential and nonresidential uses.*

The subject property is bordered by single family development to the east and south and City parkland to the west. The applicant proposes a Site Review (/SR) overlay as part of the Zone Change request. Site Review is intended to address compatibility issues. Further, the applicant has submitted concurrent Site Review and Conditional Use Permit applications for the proposed development of an assisted living facility on the subject property.

The above Proposed Action 6.1 does not read as a mandatory approval criterion and is specific to nonresidential uses. Assisted care facilities are residential uses, and yet the applicant's site plan shows landscape buffering between the use and adjacent lands and includes parking-lot screening.

*Residential Policies and Proposed Actions*

1. *Maintain the existing low-density residential character of existing Willakenzie neighborhoods, while recognizing the need to provide housing for all income groups in the city.*

The proposed development is designed with a residential character throughout the site. One-story attached cottages will be two-bedroom homes, similar in character to the surrounding neighborhood. The larger building is also designed with a residential character with sloping roofs and overhangs. The developer's intent is for the one-story buildings to provide a transition from the mass of the larger building to the surrounding residences. The proposed assisted care facility does increase the overall density of the neighborhood, consistent with the site specific refinement plan designation for the site as medium-density residential, but also promotes greater housing choice in the area.

2. *Require new medium-density residential development in the Willakenzie area to achieve a minimum density level of 10 dwelling units per acre and new high-density residential development to achieve a minimum density level of 15 dwelling units per acre. If a future citywide code amendment establishes different minimum density levels than are established in this plan, the levels established in the code will take precedence, except in the Chase Gardens High-Density Residential area. Development in this area shall achieve a minimum density level of no less than 15 dwelling units per acre.*

The proposed development is for a total of 216 dwelling units, which are broken down as follows: 75 units in the independent living facility, 75 units in the assisted care facility, 35 units in the memory care facility, and 30 units as cottages. With a total property area of 13.42 acres, this establishes a density of 16.2 dwelling units per acre, achieving beyond the medium density policy minimum of 10 dwelling units.

4. *Encourage a mixture of housing densities and types to address the housing needs of a diverse population.*

As noted above, the proposed R-2 zoning and development plan will provide a greater density and mix of housing alternatives consistent with this policy. As an assisted care facility, the development will serve a unique population (primarily elderly residents). These are not needs which are abundantly addressed within the immediate neighborhood.

8. *Promote compatibility between low-density residential land uses and medium-to high-density residential land uses.*

The applicant's proposal to apply the Site Review (/SR) overlay is consistent with this policy. As discussed in greater detail below in the Site Review and Conditional Use Permit evaluation, the proposed development is designed to be reasonably compatible in design and character with the surrounding properties. The northernmost portion of the site is one-story, single-family attached homes. The same cluster of one-story, single-family attached homes will be located along the eastern portion of the property adjacent to the existing single-family residences to

the east. Because these homes are all one-story, they are compatible with adjacent single family residences on adjoining properties, which are approximately an even mix of one and two-story homes. The northern cluster of homes is set back approximately 77 feet from the eastern property line, across from the main entrance driveway, which itself is set back 40 feet from adjacent residences.

The eastern one story residences are set back approximately 41 feet from the east property line and create an additional buffer for compatibility (and facilitate preservation of a large row of existing trees). The southern-most cluster of cottages will be about 56 feet from the south property line, with the required fire access lane between. At the south edge of the property, the memory care facility will also be a one-story facility, set back approximately 90 feet from the south property line. The south façade of this building is proposed to be articulated with setbacks and jogs to create a more pleasant building elevation to the south. The parking lot will have landscaping in the 15 foot setback to screen the adjacent single family homes from views and glare.

With the addition of the Site Review (/SR) overlay zoning and given these design elements, the proposal meets the intent of the policy to promote compatibility between adjacent housing densities.

*8.1 Apply the site review /SR suffix to all parcels designated medium- or high-density residential land use which directly abut low-density residential land uses.*

The subject property is designated medium-density residential and directly abuts low-density residential land uses; as such, the proposed action supports application of the /SR overlay to the subject property. As noted elsewhere, the applicant proposes a /SR Site Review overlay as part of the zone change request, and a Site Review is being processed as part of this concurrent application package.

Further, the subject property is within the Gilham Subarea of the WAP. Exhibit 2 of the applicant's written statement provides the relevant excerpt. The following WAP policies are applicable to the subject property and therefore discussed in greater detail below.

*Gilham Subarea Policies and Proposed Actions*

- 1. The parcels lying south of Goodpasture Island Road, currently occupied by Greer Gardens commercial nursery operation, shall be considered appropriate for medium-density residential development at the time that the property owner wishes to redevelop. In the event that redevelopment of the site occurs, vehicular access to the medium-density development shall be limited to the northeastern end of the site, across Goodpasture Island Road from Ridgeway Drive.*

The subject property is the site referenced above in the Gilham Subarea Policies and Proposed Actions. The applicant proposes to redevelop the property as an assisted care facility. The assisted care facility is of a medium-density and residential nature. Chasa Street, Bradley Drive,



and Larkspur Drive terminate at the subject property from the residential neighborhoods to the south and east; those streets will not be extended through the site, based on the plan policy above that requires vehicle access only from Goodpasture Island Road. Based on these findings, the zone change is consistent with the applicable refinement plan.

**EC 9.8865(3):**

**The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.**

The property already has key urban facilities, as detailed in the applicant's written statement. The applicant submitted an Access Study prepared by Sandow Engineering, which indicates that the existing streets are sufficient, with the proposed addition of a signal at the driveway to Goodpasture Island Road. Referral comments from Public Works and Lane Transit District staff indicate no transportation concerns. It is noted that the signal is needed for the development, but not necessarily for Zone Change approval; as noted below, no improvements are necessary to meet the State Transportation Planning Rule.

Referral comments from the Eugene Water and Electric Board (EWEB) state no objections to the proposal and, for the applicant's benefit, provide information about future services with staff contacts. EWEB staff indicates that electric service will need to be extended through the site. Water service is available from an eight-inch main in Goodpasture Island Road. EWEB staff identifies the need for a backflow device. Those referral comments are included in the application file, for reference. With regard to water pressure for fire flow, referral comments from the fire marshal's office identify several development-related details for the applicant to consider, such as a check valve assembly, and notes that an additional fire hydrant will be necessary. Those referral comments are included in the application file, for reference. Again, this level of detail is specific to the Site Review and Conditional Use Permit applications for the proposed development; for the zone change, these services can be provided to the allowed uses and densities of the requested zoning.

Referral comments from Public Works staff confirm that wastewater service is available to the development (i.e. to the uses and density allowed by the requested zoning) and that the applicant's proposal is conceptually acceptable, subject to a more detailed review for compliance with applicable specifications during the building permit process.

Stormwater runoff from the proposed development will be managed through a series of on-site treatment and detention facilities. The on-site system will also intercept the off-site flows to maintain the historical drainage patterns. After treating and detaining the stormwater runoff onsite, the water will overflow to the adjacent parkland to the west, to mimic existing conditions. Public Works staff concurs with the applicant's stormwater proposal.

Based on the above findings, this criterion is met.

**EC 9.8865(4):**

**The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:**

The applicant's written statement concludes that no siting requirements apply to the subject request. Staff agrees and further notes that there are no discrete siting requirements for the requested R-2 zone at EC 9.2735 Residential Zone Siting Requirements. Based on these findings, the above criterion is met.

**EC 9.8865(5):**

**In cases where the NR zone is applied based on EC 9.2510(3), the property owner shall enter into a contractual arrangement with the City to ensure the area is maintained as a natural resource area for a minimum of 50 years.**

The proposed zone change does not include the NR zone; this criterion does not apply.

**Transportation Planning Rule (TPR)**

The applicant's Access Study prepared by Sandow Engineering discusses TPR. Staff finds that Goal 12 Transportation of the Statewide Planning Goals, adopted by the Land Conservation and Development Commission (DLCD), must be specifically addressed as part of the requested Zone Change and in the context of Oregon Administrative Rules, as follows.

As adopted, OAR 660-012-0060(1) states:

- (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3),(9), or (10) of this rule.*

Staff finds that the subject zone change is governed by subsection (9), which reads as follows:

- (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*
  - (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the plan map:*
  - (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*
  - (c) The area subject to the amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660- 024-220(1)(d), or the area was exempted from this rule but the local*

*government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*

Staff confirms that the proposed R-2 zoning for the property is consistent with the existing comprehensive plan designation of Medium-Density Residential, and that this designation was in effect at the time the acknowledged TSP was adopted (TransPlan 2002). When TransPlan was adopted in 2001, the subject property was designated Medium-Density Residential and has remained unchanged. The subject property was not exempted from the TPR at the time of an urban growth boundary agreement. Thus, OAR 660-012-0060(9) is satisfied. Based on these findings, the proposed zone change does not significantly affect a transportation facility for purposes of the TPR and therefore complies with the TPR.

Based on the above findings, staff recommends approval of the requested zone change from R-1 Low-Density Residential to R-2/SR Medium-Density Residential with Site Review Overlay.

### **Site Review Evaluation**

In accordance with EC 9.7330, the Hearings Official is required to approve, approve with conditions, or deny this Type III land use application including a Site Review. The decision must be based on, and be accompanied by, findings that explain the criteria and standards considered relevant to the decision. It must also state the facts relied upon in rendering the decision, and explain the justification for the decision based upon the criteria, standards, and facts set forth.

To assist the Hearings Official in rendering a decision on the application, staff presents the following Site Review approval criteria (shown below in **bold** typeface), with findings related to each, based on the evidence available as of the date of this staff report. Staff has also provided a recommendation to the Hearings Official following the staff evaluation, below.

#### **EC 9.8440(1):**

**The site review plan's general design and character is reasonably compatible with surrounding properties, as it relates to building locations, bulk and height, noise, glare and odors.**

The development site consists of 13.42 acres, located on the south side of Goodpasture Island Road, between Delta Highway and Norkenzie Road. The site has been used as a plant nursery for decades and includes an office, shop, and single family home. The Site Review plans are to redevelop the site with a 216-unit assisted care facility. As discussed previously in the concurrent Zone Change, the proposed redevelopment better aligns with the subject property's comprehensive plan designation of Medium-Density Residential. The applicant's concurrent Zone Change request is from R-1 Low-Density Residential to R-2/SR Medium-Density Residential with Site Review overlay.

The applicant's written statement notes that the development is designed to be reasonably compatible in design and character with the surrounding properties. The northernmost portion of the site is one-story, single family attached homes (cottages). The same cluster of one story,

single family attached homes will be located along the eastern portion of the property adjacent to the existing single family residences to the east.

The one-story cottages increase compatibility with adjacent single family residences on adjoining properties, which are approximately an even mix of one and two-story homes. Proposed building locations for the one story cottages are setback farther than the code minimum of five feet for interior property lines. The northern cluster of cottages is set back approximately 77 feet from the eastern property line, across from the main entrance driveway, which itself is set back 40 feet from adjacent residences.

The eastern one-story cottages are set back approximately 41 feet from the east property line and create an additional buffer for compatibility (and facilitate preservation of a large row of existing trees). The southern-most cluster of cottages will be about 56 feet from the south property line, with the required fire access lane between. All of the proposed one-story cottage structures are less than 20 feet in height.

At the south edge of the property, the memory care facility will also be a one-story building, setback approximately 90 feet from the south property line. The south façade of this building is proposed to be articulated with setbacks and jogs to create a more pleasant building elevation to the south. The parking lot will have landscaping in the 15-foot setback to screen the adjacent single family homes from views and glare.

The three-story independent/assisted care building is setback about 230 feet from the south property line, 220 feet from the east property line (which also has the existing tree buffer), 170 feet from the north property line (also with the tree buffer and interpretive center) and 90 feet from the west property line which is designated as Parks and Open Space and owned by the City of Eugene. A pool, which will be enclosed in an approximately 20-foot high, one story building, is proposed between the independent/assisted care building and the western property line (61 feet from said property line).

This tallest building on the site falls within the allowance of 35 feet to the mechanical well. EC 9.6720(1) allows an additional 18 feet for “certain roof structure, architectural features” for “the housing of elevator, stairways, tanks, ventilated fans, and similar equipment required to operate and maintain the building.” In order to maintain the residential character of the building and also screen the mechanical equipment that is roof-mounted, the roof planes are extended to provide this screening. They are articulated and at varying levels to further break up the planes; essentially the roofs mimic the articulation of the walls to create a visual interest and a residential character. The architectural feature height is about 46 feet 6 inches, less than the 53 feet allowed under this exception in the code and is a minimum of 200 feet from any adjacent single-family residential property.

The above findings address the bulk and scale of the building. In regards to noise, glare, and odors, the applicant’s written statement and plans confirm that landscape buffering will minimize vehicle lights from trespassing onto adjacent parcels. Noise will be addressed, in part, through heavy landscaping and cedar fencing along the entry drive. Also, the entry drive is

located 40 feet from the adjacent property, with the existing mature vegetation remaining virtually intact, supplemented by the added landscaping and fencing. Glare is addressed through code compliant cut-off light fixtures at the parking lot and building, as well as the added landscaping and fencing. The parking lot will have substantial landscaping within a 15-foot setback to screen adjacent single family homes from views and glare.

There are no other anticipated external impacts associated with the proposed development that would be incompatible with the existing development surrounding the property. The available information, including the applicant's site plans, conceptual elevation drawings, and written statement, demonstrates that the proposed development is reasonably compatible with the surrounding properties. Based on these findings, the above approval criterion is met.

**EC 9.8440(2):**

**Proposed lots, buildings, streets, parking lots, recreation areas, and other proposed uses are designed and sited to minimize impacts to the natural environment by addressing the following:**

**(a) Protection of Natural Features.**

- 1. For areas not included on the City's acknowledged Goal 5 inventory, the preservation of significant natural features to the greatest degree attainable or feasible, including:**
  - a. Significant on-site vegetation, including rare plants (those that are proposed for listing or are listed under state or federal law), and native plant communities.**
  - b. All documented habitat for all rare animal species (those that are proposed for listing or are listed under state or federal law).**
  - c. Prominent topographic features, such as ridgelines and rock outcrops.**
  - d. Wetlands, intermittent and perennial stream corridors and riparian areas.**
  - e. Natural resource areas designated in the Metro Plan diagram as "Natural Resource" and areas identified in any City-adopted natural resource inventory.**
- 2. For areas included on the City's acknowledged Goal 5 inventory, the preservation of natural features shall be consistent with the acknowledged level of preservation provided for the area.**

In terms impact to natural features, staff notes that the subject property is not on the City's acknowledged Goal 5 inventory and has no natural resource areas designated in the Metro Plan. The applicant confirms that there are no known rare plants or animal species on the site. As a commercial plant nursery, the site is heavily vegetated; other than trees, which are discussed below at EC 9.8440(2)(b), the vegetation is not subject to protection requirements by the above criterion. Nevertheless, the applicant's written statement indicates that several of the nursery plants will be relocated to a proposed "interpretive center" located at the northeast corner of the property, as homage to the legacy of the Greer contribution in the area.

As shown on the applicant's survey map (Sheet A5), the site is gently sloped with some depressed areas (ditches) scattered across the property, some of which have intermittent pipes. The applicant's grading plan (Sheet C1) shows that the depression in the northwest corner of the site will be reconfigured to maintain the natural drainage of the site, but to prevent sheet-flow of stormwater runoff onto adjacent lands. This proposed drainage collection area will receive stormwater overflow from the development, which will first be treated and detained by the proposed on-site stormwater management infrastructure, before discharging to the adjacent parkland.

The applicant proposes to recreate similar open water features, such as two ponds in the northeast portion of the site that will be interconnected with an open waterway that will have elevated crossings for the proposed driveway. Grading is limited near the property corners to maintain existing conditions and particularly to preserve trees. Based on these findings, this criterion is met.

**(b) Tree Preservation. The proposed project shall be designed and sited to preserve significant trees to the greatest degree attainable or feasible, with trees having the following characteristics given the highest priority for preservation:**

- 1. Healthy trees that have a reasonable chance of survival considering the base zone or special area zone designation and other applicable approval criteria.**
- 2. Trees located within vegetated corridors and stands rather than individual isolated trees subject to windthrow.**
- 3. Trees that fulfill a screening function, provide relief from glare, or shade expansive areas of pavement.**
- 4. Trees that provide a buffer between potentially incompatible land uses.**
- 5. Trees located along the perimeter of the lot(s) and within building setback areas.**
- 6. Trees and stands of trees located along ridgelines and within view corridors.**
- 7. Trees with significant habitat value**
- 8. Trees adjacent to public parks, open space and streets.**
- 9. Trees along water features.**
- 10. Heritage trees.**

Existing trees on the subject property are shown on Sheet L2 of the applicant's plans. Trees proposed for removal are primarily located within the footprint of the development, leaving the perimeter trees virtually intact. As indicated in the applicant's assessment provided on Sheet L3, only trees with health issues are being removed along the perimeter of the site. The bulk of the larger trees on the site are located along the eastern property boundary, which the applicant proposes to preserve by providing generous setbacks from the development.

Within the development site, the applicant has proposed preservation of trees that would fall within proposed landscaped areas. The applicant's plans appear to include critical root zones of

the preservation trees to ensure that no more than 30 percent of the critical root zone would be impacted by the development, which would otherwise result in a technical felling of the tree. Based on the available information, the project is designed and sited to preserve significant trees that have a reasonable chance of survival and the stands of trees that provide a buffer along the perimeter of the property.

To ensure compliance with the tree preservation standards above, the following conditions of approval are warranted:

- The final site plans and all subsequent permit plans (i.e. site development, PEPI, and building permit) shall delineate the critical root zones (CRZ) of all preservation trees and show protective fencing to be in place outside the CRZ during construction activities. The plans shall note that no fill, building or other construction related impacts are allowed within those tree protection areas.
- The final site plans shall note the following: No grading, filling, or development is allowed prior to establishment of the tree protection fencing, which must be verified by City staff that it has been installed in accordance with the approved plans. All tree protection fencing shall remain in place until the completion of all construction activities and final zoning inspection has been approved.

Based on these findings and conditions, the trees proposed for preservation have a reasonable chance of survival.

**(c) Restoration or Replacement.**

- 1. For areas not included on the City's acknowledged Goal 5 inventory, the proposal mitigates, to the greatest degree attainable or feasible, the loss of significant natural features described in criteria (a) and (b) above, through the restoration or replacement of natural features such as:**
  - a. Planting of replacement trees within common areas; or**
  - b. Re-vegetation of slopes, ridgelines, and stream corridors; or**
  - c. Restoration of fish and wildlife habitat, native plant habitat, wetland areas, and riparian vegetation.****To the extent applicable, restoration or replacement shall be in compliance with the planting and replacement standards of EC 6.320 and rules adopted thereunder.**
- 2. For areas included on the City's acknowledged Goal 5 inventory, any loss of natural features shall be consistent with the acknowledged level or preservation provided for the resource.**

The applicant's landscape plan (Sheet L1) shows substantial tree planting throughout the site, with particular attention to the perimeter of the property. Although no comparative total has been provided regarding the number of trees proposed for removal and replacement, the applicant's plans illustrate that the proposed plantings will be at least equal to the amount of

vegetation proposed for removal. To provide instruction regarding any future mitigation of preservation trees that need to be removed to address any health or hazard issues, the following conditions of approval is necessary:

- The final site plans shall note the following: Removal of dead, diseased, or hazardous trees shall be allowed with documentation from a certified arborist as to the condition of the tree and the need for removal. Documentation must be provided to the City for review and approval prior to tree removal activity.
- The final site plans shall note the following: In the event a preservation tree must be removed, the justification of the removal must be documented by a certified arborist. Documentation must be provided to the City for review and approval prior to tree removal activity. The tree shall be replaced at a ratio of two (2) trees for each one (1) tree removed. Replacement trees shall be native species, with a minimum caliper of 2 inches for deciduous canopy trees and a minimum height of 5 feet for coniferous or evergreen trees. Replacement trees shall be the same species and be planted within the Critical Root Zone of the preservation tree removed unless otherwise approved by the City.

Based on the above findings and condition, the above criterion will be met.

- (d) Street Trees. If the proposal includes removal of any street tree(s), removal of those street tree(s) has been approved, or approved with conditions according to the process at EC 6.305 of this code.**

With regard to street trees, some trees along the northern property line (Goodpasture Island Road) will necessarily be removed to accommodate the new required traffic signal, for safety reasons. Permitting for street tree removal will be addressed as part of the subsequent process for installation of the proposed traffic signal.

- (e) Parking. There is a need for parking in the area and the proposed parking area will provide shared parking.**

Parking is needed to serve the proposed development; hence the development includes parking spaces that necessarily impact some of the existing trees on the property. The parking lots will be landscaped with new trees. Parking is shared within the development site, but not necessarily available for adjacent lands.

**EC 9.8440(3):**

**The proposal provides safe and adequate transportation systems through compliance with all of the following:**

- (a) Compliance with EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways.**



Most of the street standards at EC 9.6800 through EC 9.6875 do not apply to the subject development because no new streets are proposed or required. The subject property abuts Goodpasture Island Road to the north, parkland to the west, and residential development to the east and south.

Goodpasture Island Road is classified as a Minor Arterial on the City's adopted Street Classification Map, but has no adopted right-of-way width. EC Table 9.6870 Street Width requires Minor Arterials to have between 46 to 70 feet of pavement within 65 to 100 feet of right-of-way. Public Works staff confirms that Goodpasture Island Road, abutting the north boundary of the subject property, is improved to City standards, with two travel lanes, bike lanes, and curbside sidewalks. With regard to street trees, Public Works staff does not recommend them adjacent to the subject site due to sight-distance concerns. The applicant is proposing a signal at the driveway intersection to address this concern. The proposed signal improvements will fit within the existing right-of-way width, which is currently 70 feet. Public Works staff confirms that no additional right-of-way dedication or street improvements are required for Goodpasture Island Road.

Several residential streets terminate at the southern portion of the site (i.e. Chasa Street, Bradley Drive, and Larkspur Drive), which serve the existing residential neighborhood to the east and south. As explained previously, under approval criterion EC 9.8865(2), the Willakenzie Area Plan policy that limits access to the development from Goodpasture Island Road, which has also been codified at EC 9.9700(4)(a), is more restrictive, specific, and current than (hence, superseding) the street connectivity standards at EC 9.6815. As such, no street extensions through the site are proposed or required. Secondary emergency vehicle access will be provided from Larkspur Drive, with bollards preventing access to other vehicles.

The bollards at Larkspur Drive will enable pedestrian and bicycle crossings of the site. Additionally, the applicant proposes pedestrian connections to the parkland to the west. The applicant's plans also show pedestrian connections in the direction of Chasa Street and Bradley Street, although the proposed perimeter landscaped screening would prevent physical access. Public Works staff notes that a bicycle and pedestrian connection from Chasa Street is necessary to provide better access to Bond Park. In accordance with EC 9.6835 Public Accessways, the following condition of approval is necessary:

- The final site plan shall be revised to show the proposed pedestrian connection in the direction of Chasa Street to connect all the way to the street and to omit any physical barrier, such as landscaping and fencing, to bicycles and pedestrians.

Based on the above findings and condition, the development complies with the applicable street standards at EC 9.6800 through EC 9.6875.

- (b) Pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the city makes findings to**

**demonstrate consistency with constitutional requirements. “Nearby” means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.**

Pedestrian and bicycle connections to adjacent lands is addressed above at EC 9.8440(3)(a). With regard to on-site facilities for the future residents of the development, the applicant proposes to provide bicycle parking facilities and pedestrian connections throughout the site, with active connections between buildings, and passive connections through the landscaped area. With regard to transit, referral comments from Lane Transit District (LTD) staff indicate that the nearest bus stop is located approximately 0.6 mile from the site, to the west, on Goodpasture Island Road. LTD indicates that they are discussing the feasibility of adding an additional bus route to the area.

**EC 9.8440(4):**

**The proposal will not be a significant risk to public health and safety, including but not limited to soil erosion, slope failure, stormwater or flood hazard, or an impediment to emergency response.**

The available information, including the applicant’s site plans and written statement, demonstrates that the proposal will not be a significant risk to public health and safety. Referral comments from Public Works staff indicate no concerns with soil erosion, slope failure, and flood hazard. Referral comments from the fire marshal confirm that the development will not be an impediment to emergency response. Based on these findings, the above criterion is met.

**EC 9.8440(5):**

**The proposal complies with all of the following standards (an approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.):**

- (a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone.**

The lot dimension standards do not apply because no new lots are proposed or being created. The proposed density is within the acceptable range for the newly proposed R-2 zoning, as confirmed previously at EC 9.8440(1), the findings for which are incorporated by reference. For clarification, the residential density of assisted care facilities can be determined by number of dwelling units and/or number of beds, based on the following definition at EC 9.0500:

Assisted Care: The 24-hour care and boarding of persons by a paid caregiver who is not the parent or guardian of and is not related by blood, marriage, or legal adoption to the persons serviced, or other support services for adult transitory individuals. Services provided may include the training or rehabilitation for physically, mentally, or socially dependent persons requiring assisted living care. Services provided may also include meals, housekeeping, and personal care assistance. “Assisted Care” does not include

temporary housing or other support services for adult transitory individuals. For purposes of determining residential density, if the design of the facility does not contain dwellings, as defined in this land use code, then ever 1.5 beds equals 1 dwelling. Fractional dwellings shall be rounded to the next higher integer, e.g., 2 beds equals 2 dwellings.

The applicant clarifies that the 216 dwelling units consist of the following: 75 dwelling units (based on 85 beds) within the building identified as the independent living facility; 75 dwelling units within the building identified as the assisted living facility; 36 dwelling units (based on 36 beds) within the building identified as the memory care facility; and 30 dwelling units as cottages. Although the applicant has identified different levels of care, the overall facility meets the above definition of assisted care; hence, the units identified as independent are not separate from the overall development, as they have access to the personal services provided.

**(b) EC 9.6500 through 9.6505 Public Improvement Standards.**

In regards to EC 9.6500 Easements, referral comments the Eugene Water and Electric Board (EWEB) indicate the potential need for easements, which will be determined as part of the subsequent service design review with EWEB. Referral comments from other utility providers, including Public Works staff, confirm that no additional public easements are necessary.

EC 9.6505 Improvements–Specifications requires public improvements to be designed and constructed in accordance with adopted plans and policies, and the standards and specifications adopted pursuant to EC Chapter 7. Public improvements surrounding the subject properties are in place and were designed to accommodate development of the subject properties. The only proposed public improvement is the new traffic signal at the driveway intersection with Goodpasture Island Road. That improvement will be reviewed in greater detail through the City’s Privately-Engineered Public Improvement (PEPI) permit process. Public Works staff confirms that no other improvements are required. However, to ensure the applicant’s proposal is implemented in a timely manner upon development of the proposed assisted care facility, the following condition of approval is warranted:

- The applicant’s proposed traffic signal installation and any related intersection improvements at Goodpasture Island Road, as determined through the PEPI permit process, shall be constructed and in operation prior to the issuance of occupancy permits for the assisted care facility.

EC 9.6505(1) Water Supply and EC 9.6505(2) Sewage services are available to the subject property, as confirmed by EWEB and Public Works staff, and as discussed previously as part of the Zone Change at EC 9.8865(3), the findings for which are incorporated by reference. No street improvements are required to meet the standards at EC 9.6505(3) Streets and Alleys and EC 9.6505(4) Sidewalks, as confirmed previously at EC 9.8440(3)(a); however, a bicycle and pedestrian access way to Chasa Street is needed, as conditioned previously at EC 9.8440(3)(a). The referenced findings and condition are incorporated by reference.

**(c) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.**

These standards do not apply because the subject property is not located within a special flood hazard area as mapped by the Federal Emergency Management Agency (FEMA) on Flood Insurance Rate Map (FIRM) No. 41039C-1129-F, dated June 2, 1999.

**(d) EC 9.6710 Geological and Geotechnical Analysis.**

The applicant submitted a geotechnical analysis prepared by Branch Engineering, which meets these standards. The report concludes that the site is suitable for the proposed development. The report includes recommendations for the design and construction of the proposed residential building pads and street and sewer improvements. Public Works staff concurs with this initial geotechnical assessment and notes that the report recommendations will be required to be implemented during the subsequent site development process.

**(e) EC 9.6730 Pedestrian Circulation On-Site.**

Consistent with this standard, the development provides on-site pedestrian paths from public ways to building entrances. It is also noted that the condition established previously at EC 9.8440(3)(a), which is incorporated by reference, further ensures compliance with this standard.

**(f) EC 9.6735 Public Access Required.**

As discussed previously, the site will have vehicle access primarily from Goodpasture Island Road, with secondary access, for emergency vehicles only, from Larkspur Drive. Although Goodpasture Island Road is classified as a Minor Arterial street, the access connection will be regulated/controlled with a new traffic signal at the proposed driveway. Based on these findings, the proposal complies with this standard.

**(g) EC 9.6750 Special Setback Standards.**

No special setbacks are proposed or required for future right-of-way or public utilities, per the previous findings at EC 9.6805 Dedication and EC 9.6500 Easements, which are incorporated by reference.

**(h) EC 9.6775 Underground Utilities.**

The applicant's written statement and site plans indicate that all new utilities will be placed underground, consistent with these standards.

**(i) EC 9.6780 Vision Clearance Area.**

These standards do not apply because the property is not located technically at a street intersection. However, staff notes that adequate sight-distance will be addressed as necessary through the PEPI process for the proposed traffic signal at Goodpasture Island Road.

**(j) EC 9.6791 through 9.6797 regarding stormwater flood control, pollution reduction, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.**

The applicant submitted a Storm Drainage Calculations report prepared by TM Rippey Consulting Engineers; included as Appendix 4 of this report is a geotechnical analysis prepared by Branch Engineering. Due to the expected low infiltration rates of the onsite soils, the stormwater management plan includes underground detention chambers. Pre-treatment of stormwater runoff from the buildings will occur in proposed vegetated planters that will be lined with under drains directing flow to the detention system. Runoff from paved areas will be directed to mechanical pollution-reduction facilities.

Public Works staff confirms that the information provided by the applicant's engineer demonstrates compliance with EC 9.6791 Stormwater Flood Control and EC 9.6792 Stormwater Pollution Reduction. The standards at EC 9.6793 Stormwater Flow Control (Headwaters) do not apply because the subject property is not above 500 feet in elevation. EC 9.6794 Stormwater Oil Control standards apply because the development will result in more than 100 vehicle parking spaces. EC 9.6795 Stormwater Source Controls applies to the solid waste storage area. Details of the on-site stormwater management facilities will be reviewed during the building permit process for compliance with the City's Stormwater Management Manual.

The proposed stormwater facilities will be privately owned and operated. As such, no easements are required by EC 9.6796 Dedication of Stormwater Easements. As for EC 9.6797 Stormwater Operations and Maintenance, the applicant will be required to develop an operations and maintenance plan during the building permit process.

Based on the above findings and future permit requirements noted above, this criterion will be met.

**(k) All other applicable development standards for features explicitly included in the application.**

The applicable development standards for features explicitly included in the application that have not yet been addressed are EC 9.2750 Residential Zone Development Standards, EC 9.6105 Bicycle Parking Standards, and EC 9.6410 Motor Vehicle Parking Standards. For clarification, the multiple-family development standards at EC 9.5500 do not apply to assisted care facilities.

With regard to EC 9.2750 Residential Zone Development Standards, the proposed 216 units are within the required density range for the site; refer to the previous findings of the Zone Change at EC 9.8865(1). All of the proposed buildings are within the maximum building height of 35

feet, with the allowance provided by EC 9.6720(1) for an additional 18 feet for roof structures, architectural features, and the housing of equipment to operate and maintain the building. The building locations exceed the minimum setbacks. A 10-foot setback is required along Goodpasture Island; whereas the development in this case is set back 185 feet from the street. Along interior yards, the minimum building setback is five feet; in this case, the closest building is 12 feet on the east side, 15 feet on the west side, and 56 feet on the south side.

With regard to EC 9.6105 Bicycle Parking Standards, the minimum number of required bicycle parking spaces for assisted care facilities is 1 per 10 employees. The applicant indicates that there will be 20 employees. This would require only two bike parking spaces. The applicant is proposing to provide 107 bicycle parking spaces. Consistent with EC 9.6105, all bicycle parking will be long-term; however, the applicant has requested concurrent Adjustment Review approval to provide the parking in an alternate location than prescribed by these standards. Based on these findings, and the Adjustment Review at EC 9.8030, which is incorporated by reference, these standards will be met.

With regard to EC 9.6410 Motor Vehicle Parking Standards, the minimum number of vehicle parking spaces required for assisted care facilities is 1 for each four beds. As noted previously, residential density for assisted care facilities can be determined by dwelling units and/or number of beds, with 1.5 beds being equal to one dwelling units. The more direct way of applying this standard appears to be an overall translation of the 216 dwelling units into 324 beds (216 units x 1.5 beds); with one space required per four beds (324 divided by 4), 81 vehicle parking spaces would be required. The applicant proposes 188 vehicle parking spaces. There is no maximum limit of vehicle parking spaces for residential uses. Striping and signage details of the vehicle parking spaces will be determined during the building permit process. Based these findings, these standards are met.

EC 9.6600 Sign Standards and EC 9.6725 Outdoor Lighting will be evaluated during the building permit process. There appear to be no other features explicitly included in the application in the context of this criterion. Therefore, based on the above findings and future permit requirements, this criterion will be met.

**EC 9.8440(6):**

**The proposal complies with applicable adopted plan policies beginning at EC 9.9500.**

The adopted plans applicable to the subject property are the Metro Plan and the Willakenzie Area Plan. The policies of these plans subject to review under this approval criterion were previously listed and evaluated as part of the Zone Change analysis at EC 9.8865(2).

**EC 9.8440(7):**

**Any additional specific factors applied at the time the /SR designation was applied.**

The specific factors serving as the basis for the /SR overlay zone are addressed as part of the concurrent Zone Change at EC 9.8865(2), regarding the applicable Willakenzie Area Plan policies. The Zone Change and Site Review applications address these factors.

### **Conditional Use Permit Evaluation**

In accordance with EC 9.7330, the Hearings Official is required to approve, approve with conditions, or deny this Type III land use application for a CUP. The decision must be based on, and be accompanied by, findings that explain the criteria and standards considered relevant to the decision. It must also state the facts relied upon in rendering the decision, and explain the justification for the decision based upon the criteria, standards, and facts set forth.

To assist the Hearings Official in rendering a decision on the application, staff presents the following conditional use permit approval criteria (shown below in **bold** typeface), with findings related to each, based on the evidence available as of the date of this staff report. Staff has also provided a recommendation to the Hearings Official following the staff evaluation, below.

#### **EC 9.8090(1): The proposal is consistent with applicable provisions of the Metro Plan and applicable refinement plans.**

The applicant's concurrent Zone Change request will bring the property into conformance with the medium-density residential designation identified in both the Metro Plan and the Willakenzie Area Plan (WAP). An analysis of relevant policies of the Metro Plan and WAP are provided in the Zone Change evaluation at EC 9.8865(1) and EC 9.8865(2), and the Site Review evaluation at EC 9.8440(6).

Further, EC 9.2740 acknowledges assisted care facilities as an allowed residential use in the R-2 zone, subject to a CUP. The CUP process serves as a local control intended to address the compatibility of the assisted care facility within the surrounding residential area.

Based on the above findings, and those incorporated by reference, the proposal is found to be consistent with the Metro Plan and Willakenzie Area Plan, as required.

#### **EC 9.8090(2): The location, size, design, and operating characteristics of the proposal are reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property, as they relate to the following factors:**

- (a) The proposed building(s) mass and scale are physically suitable for the type and density of use being proposed.**
- (b) The proposed structures, parking lots, outdoor use areas or other site improvements which could cause substantial off-site impacts such as noise, glare and odors are oriented away from nearby residential uses and/or are adequately mitigated through other design techniques, such as screening and increased setbacks.**
- (c) If the proposal involves a residential use, the project is designed, sited and/or adequately buffered to minimize off-site impacts which could adversely affect the future residents of the subject property.**

As noted, the development will consist of 30 one-story, single-family attached cottages at the northern and eastern edges of the site, a one story residential memory care building housing 36 residents at the southern portion of the site, and a three-story building in the center of the site with space for 75 independent living residential units and 75 assisted living residential units.

The intent is for the one-story buildings to provide transition from the mass of the larger building to the surrounding single family residences. By locating the larger building mass away from the neighborhood residences (170 to 220 foot setbacks), the off-site impacts are minimized. Generous green spaces at the east and north add to the transition. Additionally, a large group of existing trees along the east and north property lines will be retained as a further buffer to the development. As for the south and west property lines, these areas will be landscaped as well, with vehicle parking areas setback at least 15 feet.

Vehicle access to the site, including truck delivery, is exclusively from Goodpasture Island Road, rather than through the abutting residential streets to the east and south. Only emergency vehicles will have secondary access from the neighborhood street, with protective bollards placed at the west end of Larkspur Drive.

Based on these findings, the criterion is met.

**EC 9.8090(3): The location, design, and related features of the proposal provides a convenient and functional living, working, shopping or civic environment, and is as attractive as the nature of the use and its location and setting warrant.**

The location, design, and related features of the proposal provide an attractive and functional living environment. As discussed previously at EC 9.8090(2), the findings for which are incorporated by reference, the building scale and orientation responds well to its intended use and environs.

**EC 9.8090(4): The proposal demonstrates adequate and safe circulation exists for the following:**

- (a) Vehicular access to and from the proposed site, and on-site circulation and emergency response.**
- (b) Pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the City makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.**

This criterion was addressed in the Site Review under EC 9.8440(3), the findings for which are incorporated by reference.



**EC 9.8090(5): The proposal is designed and sited to minimize impacts to the natural environment by addressing the following...**

This criterion was addressed in the Site Review under EC 9.8440(2), the findings for which are incorporated by reference.

**EC 9.8090(6): The proposal provides adequate public facilities and services including, but not limited to utilities, streets, and other infrastructure.**

This criterion was addressed in the Site Review under EC 9.8440(5)(b), the findings for which are incorporated by reference.

**EC 9.8090(8): The proposal complies with all applicable standards, including but not limited to...**

This criterion was addressed in the Site Review under EC 9.8440(5)(k), the findings for which are incorporated by reference.

**EC 9.8090(9): The proposal complies with the Traffic Impact Analysis Review provisions of EC 9.8650 through 9.8680 where applicable.**

Staff confirms that the proposed development does not require a TIA, based on EC 9.8670 Applicability.

### **Adjustment Review Evaluation**

The applicant requests an adjustment to EC 9.6105(3) Long Term Bicycle Parking Location and Security. These standards require the bicycle parking to be provided in a well-lighted, secure location, sheltered from precipitation and within a convenient distance of a main building entrance. These standards also require long-term bicycle parking to be provided at ground level and limit the amount of bicycle parking spaces allowed on upper floors.

The applicant proposes a ground floor bike garage for 30 bicycles to be located near the center of the development; refer to Sheet A3 of the applicant's plans. The applicant proposes an additional 45 bicycle parking spaces to be provided within the individual dwelling units.

To assist the Hearings Official in rendering a decision on the application, staff presents the following Adjustment Review approval criteria at EC 9.8030(9), shown below in **bold** typeface with findings related to each, based on the evidence available as of the date of this staff report.

### **EC 9.8030 Adjustment Review - Approval Criteria**

- (9) Bicycle Parking Standards Adjustment. Where this land use code provides that the bicycle parking standards may be adjusted, the standards may be adjusted upon finding that the design achieves all of the following:**

- (a) **Consistency with EC 9.6100 Purpose of Bicycle Parking Standards; and**
- (b) **Shared bicycle parking remains convenient and clearly visible for users.**

To determine consistency with the purpose of the bicycle parking standards, that code section is provided below.

EC 9.6100 Purpose of Bicycle Parking Standards. Sections 9.6100 through 9.6110 set forth requirements for off-street bicycle parking areas based on the use and location of the property. Bicycle parking standards are intended to provide safe, convenient, and attractive areas for the circulation and parking of bicycles that encourage the use of alternative modes of transportation. Long-term bicycle parking space requirements are intended to accommodate employees, students, residents, commuters, and other persons who expect to leave their bicycle parked for more than 2 hours. Short term bicycle parking spaces accommodate visitors, customers, messengers, and other persons expected to depart within approximately 2 hours.

The applicant's proposed bicycle parking garage, located centrally within the development, will provide a safe, convenient, and attractive area for the circulation and parking of bicycles. Since the applicant is significantly exceeding the number of bicycle parking spaces required, the development will encourage the use of alternative modes of transportation for both employees and residents of the facility. As such, the purpose statement at EC 9.6100 and the related approval criterion at EC 9.8030(9)(a) is met.

With regard to criterion EC 9.8030(9)(b), the convenience and visibility of the bicycle parking garage will be provided to residents and employees of the facility. Although it is not located prominently in front of a building entrance, there are pedestrian walkways from building entrances to the bicycle parking garage.

Based on the above findings, the Adjustment Review approval criteria are met.

#### **Staff Recommendation**

Based on the available evidence, and consistent with the preceding findings and recommended conditions of approval contained in this report, staff concludes that the applicant's request for Zone Change, Site Review, Conditional Use Permit, and Adjustment Review complies with the applicable approval criteria at EC 9.8865, EC 9.8440, EC 9.8090, and EC 9.8030, respectively.

Staff recommends that the Hearings Official conditionally approve the requested assisted care facility, subject to the following:

1. The final site plans and all subsequent permit plans (i.e. site development, PEPI, and building permit) shall delineate the critical root zones (CRZ) of all preservation trees and show protective fencing to be in place outside the CRZ during construction activities. The plans shall note that no fill, building or other construction related impacts are allowed within those tree protection areas.

2. The final site plans shall note the following: No grading, filling, or development is allowed prior to establishment of the tree protection fencing, which must be verified by City staff that it has been installed in accordance with the approved plans. All tree protection fencing shall remain in place until the completion of all construction activities and final zoning inspection has been approved.
3. The final site plans shall note the following: Removal of dead, diseased, or hazardous trees shall be allowed with documentation from a certified arborist as to the condition of the tree and the need for removal. Documentation must be provided to the City for review and approval prior to tree removal activity.
4. The final site plans shall note the following: In the event a preservation tree must be removed, the justification of the removal must be documented by a certified arborist. Documentation must be provided to the City for review and approval prior to tree removal activity. The tree shall be replaced at a ratio of two (2) trees for each one (1) tree removed. Replacement trees shall be native species, with a minimum caliper of 2 inches for deciduous canopy trees and a minimum height of 5 feet for coniferous or evergreen trees. Replacement trees shall be the same species and be planted within the Critical Root Zone of the preservation tree removed unless otherwise approved by the City.
5. The final site plan shall be revised to show the proposed pedestrian connection in the direction of Chasa Street to connect all the way to the street and to omit any physical barrier, such as landscaping and fencing, to bicycles and pedestrians.
6. The applicant's proposed traffic signal installation and any related intersection improvements at Goodpasture Island Road, as determined through the PEPI permit process, shall be constructed and in operation prior to the issuance of occupancy permits for the assisted care facility

Consistent with EC 9.7330, unless the applicant agrees to a longer time period, within 15 days following close of the public record, the Eugene Hearings Official shall approve, approve with conditions, or deny these applications. The decision shall be based upon and be accompanied by findings that explain the criteria and standards considered relevant to the decision, stating the facts relied upon in rendering a decision and explaining the justification for the decision based upon the criteria, standards, and facts set forth. Notice of the written decision will be mailed in accordance with EC 9.7335. Within 12 days of the date the decision is mailed, it may be appealed to the Eugene Planning Commission as set forth in EC 9.7650 through EC 9.7685.

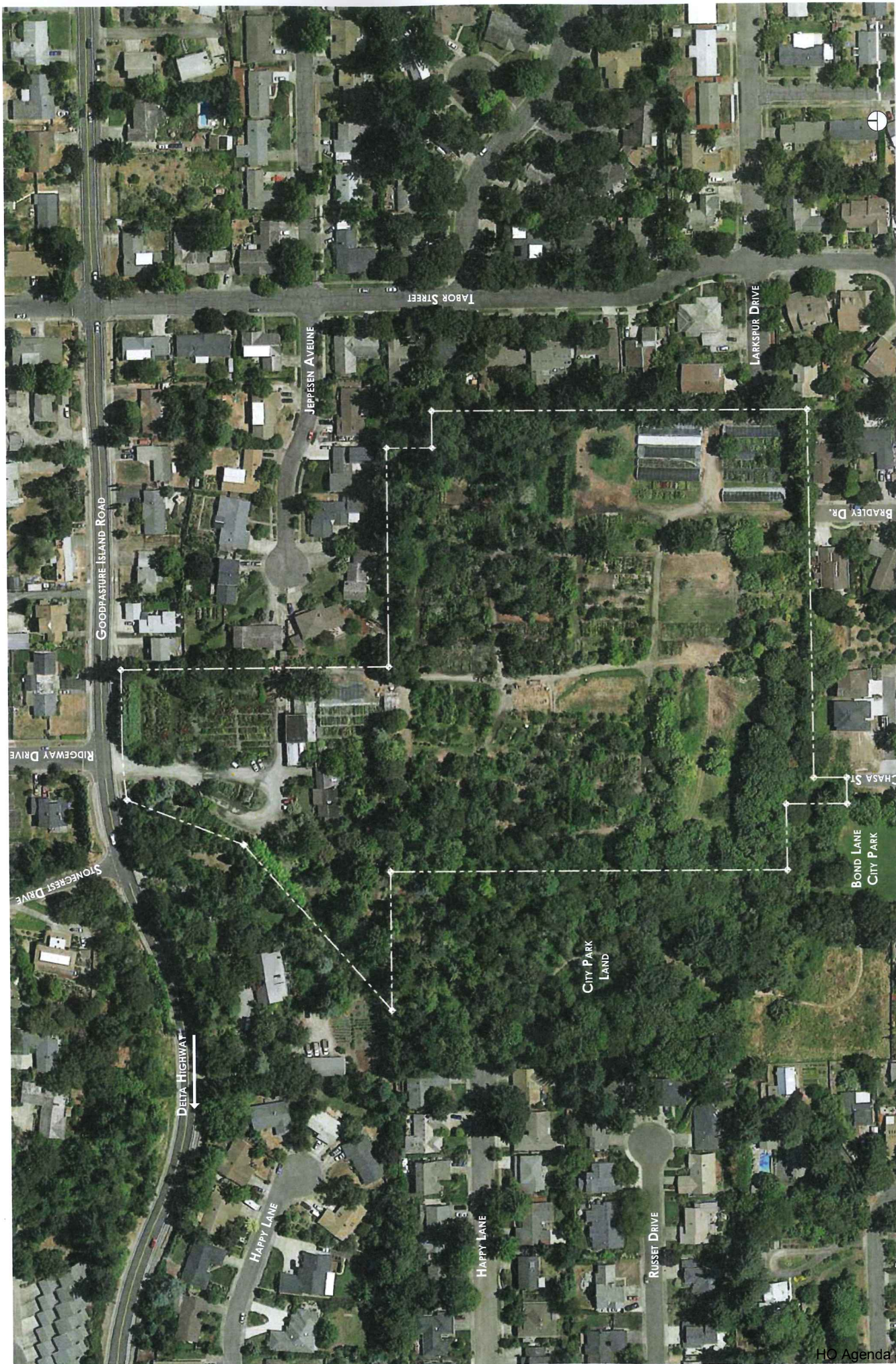
### **Attachments**

The applicant's full-size site plans, and the entire application file, are available for review at the Eugene Planning Division offices. The Hearings Official will receive a full set of record materials for review prior to the public hearing. All record materials will also be made available for review at the public hearing. For convenience, a vicinity map and a reduced version of the applicant's site plans are attached for reference.

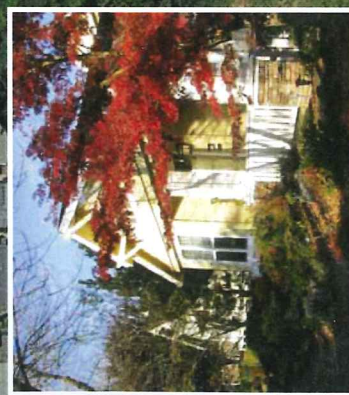
**For More Information**

Please contact Becky Taylor, Associate Planner, City of Eugene Planning Division, at: (541) 682-5437; or by e-mail, at: [becky.g.taylor@ci.eugene.or.us](mailto:becky.g.taylor@ci.eugene.or.us)









# The Springs at Greer Gardens - Site Plan

1280 Goodpasture Island Road, Eugene OR

Drawing Scale: 1" = 50' - 0"

10/24/2013

No. 121830



633 N. N. Ave., Suite 500  
Portland, Oregon 97234  
503.336.6000  
www.mylifegroup.com

**MGA** 2